



**Information Commissioner's Office**  
Promoting public access to official information  
and protecting your personal information

## **The Identity Cards Bill- The Information Commissioner's Concerns**

### **Background**

The Identity Cards Bill is not just about the introduction of ID cards for individuals. It will establish a whole system of identity verification with the recording of information about individuals on a government controlled central register with a record being kept of when it is checked by both public and private sector organisations. Recording substantial amounts of information about so many individuals raises substantial data protection and privacy concerns. Information recording should be done on a proportionate and fair basis with the minimum amount of personal information used as is necessary to deliver the objectives of an ID card system.

The Information Commissioner and others have previously called for the government to be clear about the purposes behind the proposed ID card system so that we all can judge whether the information recorded about individuals is proportionate to achieving these purposes. The government subsequently made clear in the Bill that the purposes are to help individuals prove who they are and to have such details available for checking for five public interest purposes:

- National security
- Prevention and detection of crime
- Enforcement of immigration controls
- Enforcement of prohibitions on illegal working
- Efficient and effective delivery of public services

The government has specified significant areas where a reliable, trustworthy way of proving someone's identity may be important. Central to data protection and privacy concerns is whether the extent of information collected and held about individuals is limited to that necessary to achieve these important objectives.

### **The Information Commissioner's Concerns**

Central to this issue is reliably establishing an individual's identity and providing a mechanism for them to prove who they are in certain circumstances. The

government has made clear its wish for the ID card to become the 'gold standard' of identity verification. Robust measures for issuing cards and linking these to particular individuals are essential. The government proposes substantial powers to require information from individuals and other sources to check identity and to record biometric features to tie a card to an individual. However, once this process is complete and the 'gold standard' established, there can be little justification for retention of all such details in a central National Identity Register.

The Information Commissioner pointed out to government in 2003 that there may well be other ways to run an identification system avoiding an intrusive central register of personal information. Discussions have continued around the feasibility of the research into alternative models that avoid the intrusive government controlled register of personal details altogether.

The Information Commissioner is concerned that the extensive personal information retained on the proposed National Identity Register and the requirement on individuals to keep notifying changes is excessive and disproportionate. For example individuals are obliged to tell the government about all the addresses they have lived at and any new places where they reside. It is difficult to see the relevance of all such details, once identity has been verified to the 'gold standard' the government sets for itself. If a person issued with a card buys a second home this cannot affect their identity which would already have been verified and tied to them by a unique biometric. The requirement to register another address is excessive and irrelevant to establishing that person's identity.

The extent of the information retained as a core part of the National Identity Register is unwarranted and intrusive. The system of operation envisaged by the government raises additional serious concerns. The government proposes that a data trail should be created of when a card is checked against the National Identity Register. This will show who checked it and when. The government has made clear that the system of operation it favours involves checks by service providers back to the National Identity Register thus building up a picture of an individuals' card use and a detailed picture from this of how they live their lives. Other systems of checks are perfectly feasible such as a local card reader and biometric reader verifying identity, removing the need for central records to be kept and minimising the risks and costs associated with developing a complex IT infrastructure.

The creation of this detailed data trail of individuals' activities is particularly worrying and cannot be viewed in isolation of other initiatives which serve to build a detailed picture of peoples lives - such as CCTV surveillance (with automatic facial recognition), use of automatic number plate recognition recording vehicle movements for law enforcement and congestion charging and the proposals to introduce satellite tracking of vehicles for road use charging purposes. The Information Commissioner is concerned that each development puts in place

another component in the infrastructure of a 'surveillance society'. To avoid this it is important that each component limits to the minimum the recording of information about individuals, otherwise we risk unleashing unwarranted intrusion into individuals lives by government and other public bodies.

**The Information Commissioner would prefer to see identifiable records of card use eliminated from the National Identity Register altogether, or certainly kept to an absolute minimum.**

The Information Commissioner's second area of concern is the breadth of the purposes specified by government. If we are to have an identity card, the Information Commissioner would like it to be a tool to assist individuals to demonstrate their identity when they find it useful. It should be a tool within the individual's control. The Information Commissioner is concerned about the way in which demands will grow for individuals to prove their identity. The broad purposes permit function creep into unforeseen and perhaps unacceptable areas of private life.

### **Other Concerns**

The Information Commissioner has a number of other detailed concerns about the measures contained in the Bill and data protection compliance. These include:

- The technical and administrative arrangements
- The breadth of organisations with access to the Register
- Gaps in the oversight arrangements, including lack of comprehensive powers for the Information Commissioner to check on data protection compliance
- The lack of powers of the National Identity Scheme Commissioner and the absence of any duty to investigate and resolve any problems experienced by individuals
- Extensive use of secondary legislation and the lack of privacy impact assessments
- The removal of safeguards upon the move to compulsion

### **Conclusion**

The measures in the Bill go well beyond establishing a secure, reliable and trustworthy ID card. The measures in relation to the National Identity Register and data trail of identity checks on individuals risk an unnecessary and disproportionate intrusion into individuals' privacy. They are not easily reconciled with fundamental data protection safeguards such as fair processing and deleting unnecessary personal information. An effective ID card can be established

avoiding these unwarranted consequences for individuals as research has shown. **The primary aim of Government with this legislation should be to establish a scheme which allows people to reliably identify themselves rather than one which enhances its ability to identify and record what its citizens do in their lives.** The Commissioner hopes that during the passage of the Bill parliamentarians will not just focus on the desirability of ID cards but look into the acceptability of government recording so many unnecessary details of their own and their constituents' lives.

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